

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
COLUMBIA DIVISION

DAMIEAN DEVON TOLSON

v.

TONY HOWERTON, Warden

No. 1:12-cv-00094
CHIEF JUDGE HAYNES

OKD SK
This motion
IS GRANTED

MOTION TO EXTEND FILING OF AMENDED PETITION

Petitioner Damiean Tolson respectfully asks the Court to extend the time for filing an amended petition by 90 days, until November 29, 2013. The current deadline is August 30, 2013.

Will
USMT
9-3-13

In support of this motion, counsel for Mr. Tolson states that Mr. Tolson's claim is a complex one, involving investigation into both (1) the underlying facts and legal merits of his claims regarding his murder conviction (including a claim of actual innocence), and (2) the facts relating to the equitable tolling argument. Counsel has begun the investigation into these claims, but believes that an extension is reasonably necessary in order to adequately represent Mr. Tolson.

Further, this investigation has been made more difficult by the effects of the so-called Budget Reform Act of 2013, the "sequestration," and the resulting office furloughs. Although the furloughs have recently ended, the office is still experiencing a backlog from the furloughs and has had difficulty catching up on deferred work. An extension will allow counsel additional time to meet his ethical duties toward Mr. Tolson while not laboring under an artificially shortened schedule from arbitrary congressional action.

For these reasons, counsel respectfully requests that the Court extend the filing deadline an additional 90 days, until November 29, 2013.